

United States District Court
of the District of New Jersey

Hon. Madeline Cox Arleo, U.S.D.J.

CALEB L. MCGILLVARY,

APPLICATION FOR AN
EXTENSION OF TIME TO
ANSWER, MOVE OR
OTHERWISE REPLY
PURSUAT TO CIV R. 7.1

plaintiff,

CIVIL ACTION

JAMES GALFY, individually and
As executor/agent of the Estate of
Joseph J. Galfy, 111;
SCOTT M. PETERSON, Individually and in
his official capacity;
THEODORE ROMANKOW, individually and
In His official capacity;
The Union County New Jersey
PROSECUTOR'S OFFICE;
PETER A. LIGUORI, individually and
in His official capacity;
JOHN G. CITO, individually and in his
Official capacity; ROBERT PANDINA, JOHN DOE, a
fictitious name; JANE DOE, a fictitious name;
ABC, LLC, a fictitious entity, xyz, INC., a
fictitious entity;

ON BEHALF OF
DEFENDANTS
JAMES GALFY,
INDIVIDUALLY AND
IN AS EXECUTOR/AGENT OF
THE
ESTATE OF JOSEPH J.
GALFY, 111, The
Estate of Joseph J.
Galfy 111

Defendants

COMES NOW Defendants James Galfy, individually and as
executor/agent of the Estate of Joseph J. Galfy, 111, The Estate
of Joseph J. Galfy 111 (hereinafter "JG") to respectfully submit
the instant motion/Application for an extension of time to

respond to the Motion filed by Plaintiff, Caleb McGillvary on April 12, 2024 (ECF 94), pursuant to Civ. R. 7.1.

I have been ill and in addition, due to my religious holiday, which just ended last night, April 30, 2024, I require additional time to respond to the recent Motion (ECF 94). I am requesting an additional 14 days from today, May 1, 2024, to allow for a timely response on behalf of JG, my response then would be due on or before May 15, 2024.

This matter was remanded to this Court by Order from the Third Circuit Court of Appeals for lack of jurisdiction. (ECF No. 86). The Third Circuit determined that this Court's Order dated July 28, 2022, which granted Defendants' Motions to Dismiss, (ECF 67) did not dispose of all claims of the defendants by this Court not mentioning specifically the separate claims requesting dismissal by James Galfy, individually and on behalf of the Estate of Joseph J.Galfy and The Estate of Joseph J. Galfy 111, in its Order, although a dismissal was intended by this Court Order. (ECF 67) Clearly, a procedural error occurred, and clarification of the record is required for a final order by this Court.

Due to my circumstances, as stated above, I am requesting additional time to address the recent Motion filed by the Plaintiff. No previous extension was requested after remand by the Third Circuit to this Court. This matter presently is being presented to the court on 5/6/2024, and I require the additional 14 days as requested to respond to answer on or before May 15, 2024.

 5/1/2024

BARBARA SCHWARTZ, ESQ.
Attorney for Defendant James
Galfy, individually, and James
Galfy the Executor/Agent of The
Estate of Joseph J. Galfy, The
Estate of Joseph Galfy
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07059 Bar # 030481983
908-963-9921,
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CERTIFICATION OF SERVICE

I hereby certify that on this date the above and foregoing instrument was electronically served upon the parties:

1. Caleb L. McGillvary/Pro via CM/EDF and sent by US Mail to NJSP #1222665/SBI#102317G POBox 861, Trenton, NJ 08625-0861
2. All counsel via CM/ECF

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.



Barbara Schwartz 5/1/2024

Barbara Schwartz, Esq.

Attorney for Defendant James Galfy, individually, and James Galfy the Executor/Agent of The Estate of Joseph J. Galfy 111, The Estate of Joseph J. Galfy 111
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